

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 12888 of 2005

Between:

Dandu Somaiah S/o late Appanna
R/o Chammachinta, nathavaram Mandal, Viskhapatnam District

..... PETITIONER

AND

- 1 The Mandal Revenue Officer, nathavaram Mandal, Viskhapatnam District
- 2 The District Collector, Visakhapatnam District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ, order or direction declaring the action of the 1st respondent by his proceedings in R.C. No. 489/04/A dated 02-12-2004 without due process of law in respect of the dry land admeasuring Ac. 0-89 cents in Survey No. 65/1A, situated at Chammachinta Village, Nathavaram Mandal, Visakhapatnam District as illegal, arbitrary and violative of Art. 14, 19 and 300-A of Constitution of India and pass such other order or orders which are deemed fit in the circumstances of the case.

Counsel for the Petitioner: MR.K.MANIKYALA RAO

Counsel for the Respondent No.: GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

Heard both sides.

In this Writ Petition, petitioner is seeking a Writ of Mandamus, declaring the action of the first respondent by his proceedings in R.C.No. 489/04/A dated 2.12.2004; without due process of law in respect of the dry land admeasuring Ac. 0.89 cents in S.No. 65/1A, situated at Chammachinta Village, Nathavaram Mandal, Visakhapatnam District as illegal, arbitrary and violative of Article 14,19 and 300-A of the Constitution of India.

On the application dated 22.11.2004 made by the petitioner for grant of D-Form patta, the Mandal Revenue Officer, Nathavaram Mandal, Visakhapatnam District, conducted an enquiry and stated that the patta cannot be granted for the reason that the land situated in an extent of Ac. 0.89 cents in S.No. 65/1A situated at Chimmachinta Village, as per records, allotted to the schedule caste people for providing house sites and therefore, the claim of the petitioner was rejected. Therefore, I see no reasons to entertain the Writ Petition. More over, the petitioner can file an appeal before the Revenue Divisional Officer as per the Board Standing Orders. Therefore, the petition fails and it is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

E. DHARMA RAO, J

DATED: 17/06/2005

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To

- 1 The Mandal Revenue Officer, nathavaram Mandal, Viskhapatnam District
- 2 The District Collector, Visakhapatnam District
3. Two CCs to G.P. for Revenue, High Court of A.P, Hyderabad (OUT)
4. Two CD copies.